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OFFICE OF PETITIONS

In re Application of :
Geoffrey T. Dunbar et al. :
Application No. 10/729,863 : DECISION ON PETITION UNDER
Filing Date: December 5, 2003 : 37 C.F.R. §1.10(D)
Attorney Docket No. MS1-1720US :
Title: METHOD AND SYSTEM FOR :
REVERSE PLAYBACK OF COMPRESSED :
DATA :

This is a decision on the petition under 37 C.F.R. §1.10(d), filed October 18, 2004, requesting the according of a filing date of December 5, 2003 to application number 10/729,863.

The application was deposited on December 8, 2003. Shortly thereafter, the Office mailed a filing receipt, indicating that application number 10/729,863 had been accorded a filing date of December 8, 2003.

With the instant petition, Petitioner has included a copy of the Express Mail label number EV316937455US¹.

Petitioner has alleged that the application was deposited on December 5, 2003, and the Patent Office has incorrectly assigned a filing date of December 8, 2003 to the instant application. Petitioner has included a copy of the Express Mail label, and it is noted that it bears a "date-in" of December 8, 2003. Petitioner has asserted that this information was incorrectly entered, and the field should indicate that the package was received by the USPS On December 5, 2003.

¹ The Utility Patent Application Transmittal sheet has been located in the electronic file, and it is noted that it contains this same Express Mail label number.

A check of the Office's USPS Express Mail Finder Database computer program was inconclusive. A check of the United States Postal Service's website (<http://www.usps.com/shipping/trackandconfirm.htm>) was also inconclusive, in that it stated that the information pertaining to this Express Mail label number is stored off-line. A copy of the latter search result is enclosed.

However, Petitioner has enclosed a print-out of this same website, presumably from prior to the information being taken off-line. This print-out shows an entry of "ENROUTE, December 05, 2003, 5:29 pm, SPOKANE, WA 99224." Thus, although the print-out does not state what date the package was accepted, it is clear that the USPS had possession of the same on this date.

Although the application received a filing date of December 8, 2003, the evidence is convincing that the application papers were filed on December 5, 2003, and the Patent Office assigned the incorrect date to the application. Therefore, the application was entitled to a filing date of December 5, 2003.

Accordingly, the petition is **GRANTED**.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of December 5, 2003, as well as the mailing of a corrected filing receipt.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.



Paul Shanowski
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Office of Petitions
United States Patent and Trademark Office

Encl.